

Sixth Appellate District

San Jose, California

MONDAY, AUGUST 26, 2002

H021941 PEOPLE v. WIELAND

The judgment is affirmed. (not published)  
(Wunderlich, J.; We concur: Premo, Acting P.J., Elia, J.)  
Filed August 26, 2002

H023953 DFCS v. ISAAC H.

The judgment terminating parental rights and freeing the  
child J. H. for adoption is affirmed. (not published)  
(Bamattre-Manoukian, Acting P.J.; We concur: Mihara, J., Rushing,  
J.)  
Filed August 26, 2002

H023919 DFCS v. DIANE B.

The appeal is dismissed. (not published)  
(Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J., Rushing,  
J.)  
Filed August 26, 2002

H021030 PEOPLE v. TAASE, et al.

The judgment is affirmed. (not published)  
(Bamattre-Manoukian, Acting P.J.; We concur: Mihara, J., Rushing,  
J.)  
Filed August 26, 2002

H023093 PEOPLE v. REYNAGA

The judgment is affirmed. (not published)  
(Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J., Rushing,  
J.)  
Filed August 26, 2002

H022735 PEOPLE v. ANGUIANO

The judgment is affirmed. (not published)  
(Bamattre-Manoukian, Acting P.J.; We concur: Mihara, J., Rushing,  
J.)  
Filed August 26, 2002

Sixth Appellate District

San Jose, California

MONDAY, AUGUST 26, 2002 (continued)

H023068 PEOPLE v. MCGHEE

By the Court\*:

Appellant's petition for rehearing is granted.

Filed: August 26, 2002

\*Before Premo, Acting P.J., Elia, J.

H021538 PEOPLE v. LITMON

The judgment is affirmed. (not published)

(Elia, J.; We concur: Premo, Acting P.J., Wunderlich, J.)

Filed August 26, 2002

TUESDAY, AUGUST 27, 2002

H023187 PEOPLE v. ALLEN

The judgment is modified to strike the conviction of threatening a witness. As modified, the judgment is affirmed.

(not published)

(Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J., Rushing, J.)

Filed August 27, 2002

H023191 IN RE DAVID B., A MINOR

The disposition order is affirmed. (not published)

(Wunderlich, J.; We concur: Premo, Acting P.J., Elia, J.)

Filed August 26, 2002

H020888 DVP TECHDOC, INC. v. FRADIN; GUTHMAN, et al.

The judgment is reversed. The matter is remanded for a determination as to the repurchase price of Fradin's shares of DVP's stock and a recalculation of the amounts for which appellants are liable. The order awarding attorney's fees is affirmed. Each party to bear its own costs on appeal. (not published)

(Mihara, J.; We concur: Premo, Acting P.J., Elia, J.)

Filed August 27, 2002

Sixth Appellate District

San Jose, California

WEDNESDAY, AUGUST 28, 2002

H022223 PEOPLE v. DAVIS

The judgment is reversed and the matter is remanded for resentencing. (not published)  
(Rushing, J.; We concur: Bamattre-Manoukian, Acting P.J., Mihara, J.)

Filed August 28, 2002

H021932 STROMBOTNE LAW FIRM v. AUTOMATED SWITCHING & CONTROLS,  
et al.

The judgment is affirmed. Costs on appeal to SLF. (not published)

(Wunderlich, J.; We concur: Premo, Acting P.J., Elia, J.)

Filed August 28, 2002

H024018 PEOPLE v. TINOCO

The judgment is affirmed. (not published)

(Rushing, J.; We concur: Bamattre-Manoukian, Acting P.J., Mihara, J.)

Filed August 28, 2002

H023957 PEOPLE v. COMBS

The judgment is affirmed. (not published)

(Rushing, J.; We concur: Bamattre-Manoukian, Acting P.J., Mihara, J.)

Filed August 28, 2002

H023735 DFCS v. DESERIE C.

The judgment is affirmed. (not published)

(Wunderlich, J.; We concur: Premo, Acting P.J., Elia, J.)

Filed August 28, 2002

Sixth Appellate District

San Jose, California

WEDNESDAY, AUGUST 28, 2002 (continued)

H021810 BRIX, et al. v. THORNHILL, et al.

We reverse the judgment, and we remand the matter to the trial court: (1) for entry of judgment, *nunc pro tunc*, as to the entire action, in favor of all defendants except Thornhill and Thornhill Assurance Services, Inc.; and (2) for further proceedings against Thornhill and Thornhill Assurance Services, Inc. as to the first and second causes of action of the plaintiff's fourth amended complaint only.

Defendants, except for Thornhill and Thornhill Assurance Services, Inc., shall have costs on appeal. (not published)  
(Wunderlich, J.; We concur: Premo, Acting P.J., Elia, J.)  
Filed August 28, 2002

H024023 IN RE MANUEL B., A MINOR

The jurisdictional findings are modified to reflect that minor was involved in a second-degree robbery. As so modified the jurisdictional and disposition order are affirmed. (not published)

(Bamattre-Manoukian, Acting P.J.; We concur: Mihara, J., Rushing, J.)

Filed August 28, 2002

H022069 PEOPLE v. SUBANA

The judgment is affirmed. (not published)

(Bamattre-Manoukian, Acting P.J.; We concur: Mihara, J., Rushing, J.)

Filed August 28, 2002

THURSDAY, AUGUST 29, 2002

The Court met in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Bamattre-Manoukian, Acting P.J.; Mihara, J.; Rushing, J.; and Beth Miller, Deputy Clerk.

H023182 MEZZETTI v. STATE FARM INSURANCE CO.

Cause called and argued by Robert L. Mezzetti appearing for Appellants and by Thomas R. Fellows appearing for Respondent. Cause ordered submitted.

Sixth Appellate District

San Jose, California

THURSDAY, AUGUST 29, 2002 (continued)

H023664 PREVEDELLO v. ASSADI-JOZANI

Cause called and argued by John S. Perkins appearing for Appellant and by Gary W. Sullivan appearing for Respondent. Cause ordered submitted.

H021767 PEOPLE v. NGUYEN

Cause called and argued by Martin N. Buchanan appearing for Appellant and by Thomas A. Brady, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H022726 PEOPLE v. GUZMAN

Cause called and argued by Deborah Wald appearing for Appellant and by Moona Nandi, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

Court recesses until 1:30 p.m.

The Court reconvened at 1:30 p.m. in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Bamattre-Manoukian, Acting P.J.; Mihara, J.; Rushing, J.; and S. Nasson, Deputy Clerk.

H021716 PEOPLE v. RAMIL

Cause called and argued by Patricia Bell appearing for Appellant and by Ryan McCarroll, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H022139 PEOPLE v. OLIVOS

Cause called and argued by Carlo Andreani appearing for Appellant and by Ann Wathen, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H023210 MISSION WEST PROPERTIES, et al. v. REPUBLIC PROPERTIES CORPORATION, et al.

Cause called and argued by Robert Moore appearing for Appellants and by Edward Tolchin appearing for Respondents. Cause ordered submitted.

Sixth Appellate District

San Jose, California

THURSDAY, AUGUST 29, 2002 (continued)

H022779 SUTTER'S PLACE, INC., et al. v. CITY OF SAN JOSE

Cause called and argued by Richard Patch appearing for Appellants and by Joseph DiCiuccio, Deputy City Attorney, appearing for Respondent. Cause ordered submitted.

H023300 COMBS v. JOHNSON

Cause called and argued by John Johnson appearing in Propria Persona and by Joseph Wall appearing for Respondent. Cause ordered submitted.

Court adjourns.

H020516 PEOPLE v. LONG

The judgment is affirmed. (not published)  
(Bamattre-Manoukian, Acting P.J.; We concur: Mihara, J., Rushing, J.)

Filed August 29, 2002

H022840 PEOPLE v. WASHINGTON

The judgment is affirmed. (not published)  
(Elia, J.; We concur: Premo, Acting P.J., Wunderlich, J.)  
Filed August 29, 2002

H023112 PEOPLE v. BEDFORD

The judgment is affirmed. (not published)  
(Elia, J.; We concur: Premo, Acting P.J., Wunderlich, J.)  
Filed August 29, 2002

FRIDAY, AUGUST 30, 2002

H022309 PEOPLE v. RUIZ

The judgment is affirmed. (not published)  
(Rushing, J.; We concur: Bamattre-Manoukian, Acting P.J., Mihara, J.)

Filed August 30, 2002

Sixth Appellate District

San Jose, California

FRIDAY, AUGUST 30, 2002 (continued)

H023418 PEOPLE V. ZAPIEN

The judgment is hereby modified to reduce the restitution fine from \$400 to \$200. The trial court is directed to prepare an amended abstract of judgment reflecting this modification and forward a certified copy of the amended abstract to the Department of Corrections. The modified judgment is affirmed. (Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J., Rushing, J.)

Filed August 30, 2002

H023632 PEOPLE v. MIRANDA

The judgment is affirmed. (not published)  
(Premo, Acting P.J.; We concur: Elia, J., Rushing, J.)  
Filed August 30, 2002

H023569 PEOPLE v. SANTA CRUZ

The judgment is affirmed. (not published)  
(Premo, Acting P.J.; We concur: Elia, J., Rushing, J.)  
Filed August 30, 2002

Sixth Appellate District

San Jose, California

FRIDAY, AUGUST 30, 2002 (continued)

H023029 BONO v. CLARK, as Executor

The judgment is reversed, and the cause is remanded to the trial court for further proceedings.

(1) On remand, with respect to the first cause of action of plaintiff's complaint, the trial court shall determine whether the community-funded capital improvements to decedent's separate real property enhanced its equity value.

(a) If the court determines that the improvements did not contribute to equity, then the community is entitled to reimbursement only. In that case, the court shall award plaintiff judgment in the amount of one-half of the community funds spent in capital improvements to decedent's separate property.

(b) If the court determines that the improvements contributed to an increase in the property's equity value, then the community will be entitled to a pro tanto interest in the property. The community interest is calculated by

(i) determining the ratio that the community investment bears to the total investment in the property; then (ii) multiplying that ratio by the appreciation in the property's equity value during the marriage, excluding both pre-marital and post-separation appreciation. In such case, the court shall award plaintiff judgment of one-half of the amount calculated as the community's pro tanto interest.

(2) On remand, with respect to the second cause of action of plaintiff's complaint, the court shall enter judgment for defendant.

Plaintiff shall have costs on appeal. (published)

Wunderlich, J., We concur: Bamattre-Manoukian, Acting P.J.,  
Rushing, J.

Filed August 30, 2002

H022676 PEOPLE v. BISHOP

The order lifting the stay is affirmed. (not published)

(Wunderlich, J.; We concur: Premo, Acting P.J., Elia, J.)

Filed August 30, 2002